

1           each month in her pension. \$2828.62. She  
2           received that either the 1st or the 3rd of  
3           each month, between August 1st of 2016 all the  
4           way through April 27th of 2017 she received  
5           that pension payment.

6           Again, I cashed out a \$12,000 -- excuse  
7           me. An investment in the amount of  
8           \$112,702.60 for an investment transfer that  
9           was placed into a savings account for her.

10           Absent the pension money and the  
11           investment transfer, Ms. Fauntleroy had no  
12           other funds that were given to her during that  
13           period of time. And during that period of  
14           time, the expenditures that I just went  
15           through, be it the salaries which total  
16           \$58,297.50 and the other cash expenses which  
17           altogether total \$78,384.37 were expenses that  
18           were paid by me on behalf of Ms. Fauntleroy.

19           Between August 1st of 2016 through April  
20           21st of 2017, I made 23 cash deposits into Ms.  
21           Fauntleroy's checking account at Wells Fargo.  
22           The first check that was deposited into the  
23           account was for \$10,000. And again, I  
24           explained to you that that \$10,000 was a check

1 that her brother had given to me for legal  
2 services I had provided for Ms. Fauntleroy up  
3 through, I guess it would have been from March  
4 through August 5th of 2016 in the amount of  
5 \$10,000.

6 I did not cash that check or take any  
7 money or write myself a check off of Ms.  
8 Fauntleroy's account for any of that money  
9 because she needed that money to pay her  
10 caretakers.

11 In addition to that, I made another 22  
12 cash deposits into Ms. Fauntleroy's checking  
13 account. And those cash deposits were made  
14 all the way from -- I can read it off to you.  
15 There was -- on December 28th, 2016, there was  
16 a \$2000 deposit. That's reflected in the bank  
17 account statements. On December 30th of 2016,  
18 there was a \$1000 deposit made. That was  
19 reflected in the checking account bank  
20 statements. On January 5th of 2017, there was  
21 \$1500 deposited. That's reflected in bank  
22 statements. On 1/13/17, there was a \$500 cash  
23 deposit made. That's reflected in the bank  
24 statements and also reflected in RS, what I

1 have marked as RS-41, which is marked as  
2 RS-41.

3 MR. WHITE: I'm going to object to RS-41.  
4 This is hearsay.

5 MS. McBRIDE: What is it?

6 MR. KRAWITZ: What is it?

7 MR. CONNER: RS-41 through RS-57 --  
8 through RS-58, excuse me, and RS-59 are Wells  
9 Fargo transaction receipts for cash deposits  
10 that were made to that account.

11 MR. KRAWITZ: I thought you just said, so  
12 I'm clear before I confer here, that the cash  
13 deposits that you were talking about are  
14 reflected on the bank statements that are part  
15 of ODC 3A through 3J.

16 MR. WHITE: Correct.

17 MR. KRAWITZ: Do I have that right?

18 MR. CONNER: You are correct.

19 MR. KRAWITZ: Okay.

20 MR. CONNER: Every transaction that I'm  
21 talking about is in the bank statements, but  
22 they are also, this is also supplemental proof  
23 of it.

24 MR. WHITE: Just for the record, I

1 haven't seen RS-59. I don't know what that  
2 is.

3 MR. CONNER: RS-59 is the last bank  
4 statement.

5 MR. WHITE: It's the same as ODC 3J?

6 MR. CONNER: Yes. I'm sorry.

7 MR. KRAWITZ: So that resolves RS-59  
8 since you have already, we have already moved  
9 in and you have agreed to ODC 3J, right, Mr.  
10 Conner?

11 MR. CONNER: Right. They are, they are  
12 documented in the bank statements, but I also  
13 have my personal Wells Fargo transaction  
14 receipts to support it as well.

15 MR. WHITE: The objection is hearsay.  
16 The receipts were submitted for the truth of  
17 the fact the deposit was made into the  
18 account. There is no custodian from Wells  
19 Fargo here to establish these receipts are  
20 kept in the normal course of business.

21 MR. KRAWITZ: Mr. Conner --

22 MR. CONNER: Yes.

23 MR. KRAWITZ: -- would you provide the  
24 Panel with your thoughts on what exception to

Page 120

1           the hearsay rule would apply to the -- let me  
2           get this right, it's RS-41 through RS-58?

3           MR. WHITE: Correct.

4           MR. CONNER: These are documents that I  
5           personally deposited into the account. They  
6           are my documents, my receipts that I received  
7           from the bank. They are not receipts that I  
8           got from the bank but receipts that I got  
9           personally from the bank. I'm testifying, I'm  
10          authenticating them because they are receipts,  
11          they are my receipts that I got from the bank.

12          MR. WHITE: That's not an objection to  
13          the hearsay rule. To the extent he is trying  
14          to say that it's a statement by a party  
15          opponent, it's not. These are statements from  
16          the bank, not Mr. Conner.

17          MR. KRAWITZ: The receipts, RS-41 through  
18          RS-58 you are saying are receipts from the  
19          bank that you got?

20          MR. CONNER: Correct, my receipts. I  
21          didn't go to the bank and get these from the  
22          bank and come down here. The bank gave these  
23          to me as I was making my deposits.

24          MR. WHITE: It's still hearsay.

1                   MR. KRAWITZ: We are going to sustain the  
2                   objection.

3                   MR. CONNER: Just so the record  
4                   accurately reflects, I'm seeking to introduce  
5                   into evidence Exhibits RS-41 through RS-58  
6                   which are --

7                   MR. WHITE: Objection.

8                   MR. CONNER: -- Wells Fargo transaction  
9                   receipts for deposits that were made into Ms.  
10                   Fauntleroy, made by me into Ms. Fauntleroy's  
11                   checking account.

12                   MR. KRAWITZ: There was an objection and  
13                   it was sustained.

14                   MR. WHITE: Withdrawn.

15                   MR. KRAWITZ: And it was sustained.

16                   MR. CONNER: A cash deposit was made on  
17                   January 5th of 2017 in the amount of \$1500.  
18                   That information is set forth in the ODC  
19                   documents 3A through 3J. On January 13th,  
20                   2017, a \$500 deposit, again, reflected in the  
21                   bank account statement documents. On January  
22                   19th, 2017, a \$500 cash deposit, again,  
23                   documented in the bank receipt statements. On  
24                   January 30th, 2017, a \$300 cash deposit was

1 made into the checking account statement.

2 On February 3rd, 2017, a \$1300 cash  
3 deposit was made. On February 10th, 2017, a  
4 \$1500 cash deposit was made into the checking  
5 account, made by me into Ms. Fauntleroy's  
6 checking account. On February 13th, 2017, a  
7 \$1500 cash deposit was made by me into Ms.  
8 Fauntleroy's checking account. On February  
9 14th, 2017, a \$100 cash deposit was made into  
10 Ms. Fauntleroy's checking account. On  
11 February 17th, 2017, a \$1600 cash deposit was  
12 made by me into Ms. Fauntleroy's checking  
13 account. On February 21st, 2017, a \$700 cash  
14 deposit was placed into Ms. Fauntleroy's  
15 checking account. On February 24th, a \$1200  
16 cash deposit was made by me into Ms.  
17 Fauntleroy's checking account. On February  
18 27th, 2017 a \$1300 cash deposit was made into  
19 Ms. Fauntleroy's checking account.

20 On March 3rd, 2017, a \$200 cash deposit  
21 was made into Ms. Fauntleroy's checking  
22 account. On March 6th, 2017, a \$600 cash  
23 deposit was made into Ms. Fauntleroy's  
24 checking account. On March 10th, 2017, a

Page 123

1           \$1000 cash deposit was made into Ms.  
2           Fauntleroy's checking account. On March 13th,  
3           2017, a \$1200 cash deposit was made into, made  
4           by me into Ms. Fauntleroy's checking account.  
5           On March 24th, 2017, a \$1400 cash deposit was  
6           made by me into Ms. Fauntleroy's checking  
7           account.

8           On April 14th, 2017, an \$1800 cash  
9           deposit was made into Ms. Fauntleroy's  
10          checking account. On April 20th, 2017, a  
11          \$1200 cash deposit was made by me into Ms.  
12          Fauntleroy's checking account. And on April  
13          21st, 2017, a \$600 cash deposit was made by me  
14          into Ms. Fauntleroy's checking account.  
15          Exhibit ODC 3A through 3J will reflect these  
16          cash deposits.

17          On April 28th of 2017, I became aware of  
18          the fact that I was no longer authorized to  
19          make transactions on Ms. Fauntleroy's checking  
20          account or on her savings account at Wells  
21          Fargo. I immediately went to Ms. Fauntleroy's  
22          residence where I tried to speak to her about  
23          what was going on with the checking account.

24          When I got to her house, her caretakers,

Page 124

1                   in particular Shelio Thomas and Dana Fox were  
2                   the two caretakers there. They would not let  
3                   me speak to her. I attempted to call Ms.  
4                   Fauntleroy to ask her what was going on, why I  
5                   was removed from the checking account and the  
6                   savings account. Ms. Thomas and Ms. Fox would  
7                   not let me speak to Ms. Fauntleroy.

8                   I immediately contacted Lorenzo  
9                   Fauntleroy, her brother. And I told him that  
10                  I was extremely concerned about what was going  
11                  on with her because I was her Power of  
12                  Attorney and no one had given me any  
13                  documentation to indicate that my Power of  
14                  Attorney had been revoked. And that I was  
15                  concerned about her well-being at that time.

16                  Her brother attempted to contact her.  
17                  And to my knowledge, I didn't -- he wasn't  
18                  able to tell me anything about what was going  
19                  on.

20                  I called and left a message on Ms.  
21                  Fauntleroy's phone that if she had any  
22                  concerns about my handling of her funds, to  
23                  let me know and I would answer any questions  
24                  that she had. And that I would give her a

1 summary account of any monies that I had  
2 handled and any payments that I had made on  
3 her behalf. And that I would return to her  
4 the monies that I had access to and had not  
5 used.

6 I didn't hear anything from Ms.  
7 Fauntleroy. So on Monday, the following  
8 Monday which would have been three days later,  
9 I sent a certified bank check to Ms.  
10 Fauntleroy along with a summary of accounts  
11 which reflected how much money she had in her  
12 account, what the expenses were and how much  
13 was owed to her. And I wrote her a check,  
14 certified check for \$67,708, I believe and 15  
15 cents. I sent it to her certified mail. And  
16 I was able to determine that she had, in fact,  
17 received the check and had, in fact, cashed  
18 check.

19 I did not hear anything from Ms.  
20 Fauntleroy or anybody on her behalf until, I  
21 believe, July of 2017 at which time Ms. Thomas  
22 contacted me and wanted me to send her any  
23 documentation that I had regarding Ms.  
24 Fauntleroy. In particular, any directives

1           that I had prepared or anything else that I  
2           had filed on her behalf.

3           I sent a package to Ms. Fauntleroy  
4           certified mail. It included copies of her  
5           Power of Attorney, Power of Attorney for  
6           healthcare, her will, documentation of the  
7           documents that I had sent to the IRS regarding  
8           payment of her caretakers. That package was  
9           never signed for and returned. As a matter of  
10           fact, let me correct myself. At the time I  
11           sent out the certified check, I sent out these  
12           documents to her certified mail in a box.  
13           Those documents were never signed for. And  
14           therefore, they were returned to my office.

15           In July of 2017, Ms. Thomas called and  
16           asked could she come up to the office and get  
17           a copy of those documents. And she came up.  
18           I gave her a copy of the documents and she  
19           left.

20           It wasn't until November of 2017 that I  
21           was contacted by Disciplinary Counsel with a  
22           request for statement. I had not spoken to  
23           Ms. Fauntleroy or any representatives on her  
24           behalf until we were in court here today.

1                   When I did receive a copy of Disciplinary  
2                   Counsel's Petition for Discipline, as I  
3                   indicated before, that petition is indicating,  
4                   indicated in an averment that none of the  
5                   monies that I had used off of her account were  
6                   returned to her.

7                   And in my response which pretty much  
8                   speaks for itself, I indicated that money had  
9                   been returned. It had been returned in the  
10                  form of cash deposits that were made to her  
11                  account as per our agreement, my agreement  
12                  with Ms. Fauntleroy which was the 23 deposits  
13                  that I testified to amounting to \$33,000.  
14                  That I had made cash payments on Ms.  
15                  Fauntleroy's behalf in the amount of  
16                  \$11,846.20. And that I had returned to her by  
17                  way of a certified check, \$67,708.15.

18                  No money was stolen from Ms. Fauntleroy.  
19                  I had an agreement with her to use her card,  
20                  not for her to give me any money. Deposits  
21                  were made into her account on the dates and  
22                  the amounts that are set forth here today.  
23                  And I returned to her the balance of the money  
24                  that she had in her account when I found out

1 that I was no longer on the account.

2 And that's my testimony.

3 MS. McBRIDE: Thank you.

4 MR. KRAWITZ: Thank you.

5 Mr. White, before you begin your cross,  
6 can we take a short break?

7 MR. WHITE: Sure.

8 MR. KRAWITZ: Would that be okay?

9 MR. WHITE: Absolutely.

10 MR. CONNER: May I be excused to do so as  
11 well?

12 MR. SAILLE: Sure.

13 (Whereupon, a break was taken off the  
14 record.)

15 MR. KRAWITZ: Thank you. Are you ready  
16 to proceed?

17 MR. WHITE: Yes, sir.

18 BY MR. WHITE:

19 Q Mr. Conner, you testified on direct that  
20 you deposited cash into Ms. Fauntleroy's checking  
21 account; is that correct?

22 A Correct.

23 Q When did you begin doing that?

24 A The first cash deposit was made on

1       December 28th, 2016.

2           Q     Why did you begin depositing cash into  
3     Ms. Fauntleroy's checking account?

4           A     Ms. Fauntleroy and I had an agreement  
5     that I could use her credit card to make -- to use  
6     her credit card at the casinos. And in December,  
7     I began to deposit money, some of the money that I  
8     had used up there into her account.

9                   And I had spoken to her each month  
10    leading up to that identifying with her what had  
11    been used on the credit card and what I was going  
12    to be repaying to her.

13           Q     So you began using the money in her  
14    account in August of 2016, but you didn't deposit  
15    any of your funds into her account until December  
16    of 2016?

17           A     Incorrect. I began, I deposited my funds  
18    into her account on August 5th of 2016. And that  
19    was the \$10,000 that Mr. Fauntleroy had given her  
20    to pay me for legal services I had provided from  
21    March up until that date.

22           Q     Now that \$10,000, was it a check from  
23    Lorenzo Fauntleroy?

24           A     It was.

1 Q And you don't have a copy of that check  
2 today?

3 A I do not. I don't have any, I don't have  
4 any access to Ms. Fauntleroy's checking account  
5 once I was, my Power of Attorney was revoked other  
6 than a couple of bank statements that I had and  
7 what you provided to me as part of Discovery.

8 Q You chose not to subpoena that for the  
9 hearing today?

10 A I didn't subpoena it.

11 Q Was that check written to you or was it  
12 written to Ms. Fauntleroy?

13 A It was written to Ms. Fauntleroy.

14 Q Because I believe Ms. Fauntleroy  
15 testified that that \$10,000 was a loan to her from  
16 her brother. That's not the case?

17 A That is not the case and that's not my  
18 recollection of her testimony.

19 My recollection of her testimony is when  
20 I specifically asked her about the \$10,000, she  
21 said yes, that was the \$10,000 check that Mr.  
22 Fauntleroy had given to me to pay her expenses.  
23 And when I asked her if they included my expenses  
24 for my legal services, I believe, my recollection

1 is she said it did.

2 Q So even though the check was written  
3 specifically to Ms. Fauntleroy, that was payment  
4 for your legal fee that you chose to deposit into  
5 her account?

6 A That's correct. The check that he wrote  
7 to Ms. Fauntleroy was after a conversation that I  
8 had with him saying that she needed money to pay  
9 her legal expenses which -- and our conversation  
10 initially began with money that she owed me to  
11 pay, that she had not paid me for the work that I  
12 had done from March all the way up through,  
13 through the end of July. And he gave me that  
14 check in particular to pay the expenses to give to  
15 her, deposit into her account so that she could  
16 pay my expenses for the legal services I had  
17 provided.

18 Q So after August 5th, when was your next  
19 cash into her account, your own money?

20 A It would be the date that I just told  
21 you, December 28th.

22 Q You said, again, you were depositing cash  
23 into her account to replenish the funds you spent  
24 at the casinos?

Page 132

1           A    That was partially what I was doing.  The  
2   other way I was replenishing it, was that I was  
3   making cash payments.  I was giving Ms. Fauntleroy  
4   cash money that she needed for her living  
5   expenses.  I was paying certain bills that I was  
6   paying for her.  And I was making those deposits.

7           Q    You mentioned the cash payments on  
8   direct.

9           A    Right.

10          Q    So at first you said it was a total of  
11   \$8424, and then you said it was \$11,846 in cash  
12   payments.  Which one is it?  Are those two  
13   different numbers?  Do they represent different  
14   things?

15          A    They do.  The \$8424 figure that I gave,  
16   that was cash money that I paid out in the way of  
17   salaries.  \$1120 to Shelio Thomas.  \$504 to Dana  
18   Fox and \$6800 to myself.

19          Q    Okay.

20          A    The \$3422.20 figure that I gave was --

21          Q    Hold on.  You gave me \$11,846.20.  What's  
22   that number?

23          A    I'm explaining it to you.

24          Q    Okay.  I'm sorry.

1           A     The \$8424 was for cash payments paid in  
2     salary. \$1120 to Shelio Thomas, \$504 to Dana Fox,  
3     \$6800 to me. \$3422.20 were cash payments to Ms.  
4     Fauntleroy. \$2000, the Petro oil, \$1222.20 and  
5     the accountants, \$200. And that came to the  
6     \$11,846.20.

7           Q     Now, on your direct, you only presented  
8     one receipt for these payments. It was RS-26 for  
9     \$1120 for Ms. Thomas. Do you have receipts for  
10    any of those other payments?

11          A     I do not have receipts for Dana Fox,  
12    however, my payments, the \$6800 came from ATM  
13    transactions that I took.

14          Q     So that \$6800 --

15          A     That amounted to \$6800. Not ATM  
16    transactions that are included in money at the  
17    casino, but separate from that.

18          Q     So I'm confused. The \$6800, is that in  
19    addition to or included in the stipulation that's  
20    marked as ODC Exhibit 2?

21          A     That's included. I had written checks to  
22    myself, I believe, in the amount of \$2700. There  
23    was a \$300 -- this is in what's been marked ODC-3A  
24    through 3J. I had written a check to myself for,

1 I think it's a \$300 check, a \$400, a \$500 check  
2 and a \$1500 check which came to \$2700.

3 The balance of the \$9500 came from ATM  
4 withdrawals not including those at the casino in  
5 the amount of \$6800. And these funds were, again,  
6 paid to me with the permission and the knowledge  
7 of Ms. Fauntleroy.

8 Q So ODC Exhibit 2 details 79 ATM withdraws  
9 that you made at various casinos. And the total  
10 amount of those withdraws were \$21,318.24.

11 Your testimony today is that \$6800 of  
12 that was salary. What was the rest of it? Was  
13 that not salary?

14 A I'm sorry, say that again.

15 Q ODC-2 which you signed this morning says  
16 that you withdrew \$21,318.24 from ATMs at various  
17 casinos.

18 A Correct.

19 Q I understand your testimony to be that  
20 \$6800 of that was your salary. What's the rest of  
21 it?

22 A No. Incorrect.

23 Q The \$14,000?

24 A Incorrect. The \$21,000 that was obtained

1 off of the card at the casinos was not part of the  
2 \$6800.

3 Q Okay.

4 A \$6800 were other ATM withdrawals, again,  
5 that were done on behalf of Ms. Fauntleroy which  
6 included the \$6800 salary. So the monies that  
7 were withdrawn from the ATM card at the casino,  
8 that \$21,000 had nothing to do with this salary.

9 Q Okay. So in total, you withdrew about  
10 \$28,000 of ATM transactions from Ms. Fauntleroy's  
11 Wells Fargo accounts; is that correct?

12 A Total. \$21,000 were not on her behalf.  
13 \$6800 were for my services that I provided for her  
14 which is the stipulation.

15 Q I understand.

16 So you testified you made 23 cash  
17 deposits into Ms. Fauntleroy's Wells Fargo  
18 account?

19 A I made 23 deposits into her Wells Fargo  
20 also. 22 of them were cash deposits. One was for  
21 the check for \$10,000.

22 Q 22 cash deposits. Do you have a total  
23 amount of those deposits, all 22 of them?

24 A I have a total amount of all 23, which is

1 \$33,000.

2 Q So the cash deposits would be \$23,000  
3 then?

4 A Correct.

5 Q Sir, I'm going to show you what I have  
6 marked as ODC Exhibit 7. That is a letter that  
7 you wrote to me in response to a letter I wrote  
8 alleging you had stolen \$80,000 from Ms.

9 Fauntleroy's Wells Fargo account; is that correct?

10 A No.

11 Q Can you please tell me what ODC-7 is?

12 A ODC-7 is my response to your request for  
13 Statement of Respondent's position.

14 Q Correct.

15 A That's what it is.

16 Q Okay. So my request for statement of  
17 Respondent's position is ODC-6, correct?

18 A Correct.

19 Q In that request for a statement of  
20 Respondent's position, I allege that you stole  
21 \$80,000 from Ms. Fauntleroy's Wells Fargo account;  
22 is that correct?

23 A No.

24 Q Why is that not correct?

1 A Show me where it is that you allege that.

2 Maybe I missed it. I don't know or I don't  
3 remember.

4 Q It's on Paragraph 3 through and including  
5 what looks like Paragraph 220 -- I'm sorry, 225.

6 A Can you show me in there where you allege  
7 that I stole that money from Ms. Fauntleroy  
8 account?

9 Q I told you. This. (Indicating)

10 A No. This paragraph, if I'm reading  
11 correctly, asked me did I make transactions  
12 against her account. And my response to that was,  
13 Yes, I did.

14 Q You are right. I'm sorry if I was  
15 unclear.

16 I allege in this that you authorized  
17 point of sale transactions against Ms.  
18 Fauntleroy's Wells Fargo's account without her  
19 knowledge or authorization. Is that correct?

20 A Yes.

21 Q And ODC-7 --

22 A And I denied that.

23 Q But then you stipulated to them?

24 A No, I did not. I stipulated that I made

1 those transactions. I specifically say in my  
2 response that I did those transactions with her  
3 permission and with her knowledge.

4 Q Okay. Understood.

5 So ODC-7 was your response to ODC-6,  
6 correct?

7 A Correct.

8 Q Can you show me in ODC-7 where you say  
9 you deposited \$23,000 in cash in her account?

10 A I did not have, I did not put that in  
11 there.

12 Q Why not?

13 A You didn't ask me that. I responded.  
14 You asked me statements and I gave you my answers.  
15 When you asked, when you put in your Petition for  
16 Complaint and you allege specifically that I took  
17 that money, I had not repaid any of it, I'll go to  
18 your Petition for Complaint, your Petition for  
19 Discipline, you allege in there, Paragraph 13,  
20 that I had not repaid any of the funds improperly  
21 used.

22 Q Correct.

23 A Then you go on to say that those funds,  
24 that I stole those funds.

1 Q Okay.

2 A And for the first time, I indicate to  
3 you, No, I did not steal those funds. That I gave  
4 her a certified check in the amount of \$67,708.15,  
5 that I made cash deposits to her account and that  
6 I paid some of her expenses by cash.

7 And your response to me after you  
8 received my response, was, Mr. Conner, you are  
9 alleging for the first time that you returned  
10 \$67,708.15. And in my letter to you, I said, No.  
11 You allege in your response for a statement, as a  
12 matter of fact you acknowledge that I, in fact,  
13 sent Ms. Fauntleroy a letter with the certified  
14 check for that amount of money.

15 Q Okay. Sir, if we can go back to my  
16 question.

17 A Okay.

18 Q So ODC-7.

19 A Okay.

20 Q You would agree with me that nowhere in  
21 ODC-7 do you mention depositing \$23,000 into Ms.  
22 Fauntleroy's Wells Fargo account?

23 A I would agree to that, and that was not a  
24 question asked to me.

1 Q You didn't think that would be relevant  
2 in your Statement of Position?

3 A I put in the Statement of Position my  
4 response because I did not know you were alleging  
5 that I stole money from her because that's nowhere  
6 alleged in your request for a response, for  
7 statement. It's never alleged in there. It was  
8 never alleged until your Petition for Discipline.

9 Q Let me just explore that with you a  
10 little bit.

11 A Okay. Again, I asked you to show me  
12 where you allege in your request for response that  
13 I explained to you why or you say it to me, you  
14 allege that I stole this money and ask for my  
15 response to that.

16 Q Okay. So for example, I'm going to read  
17 Paragraphs 3 through 5 to you. Okay?

18 A Okay.

19 Q Paragraph 3. On August 24th, 2016 you  
20 authorized the transaction against Ms.  
21 Fauntleroy's checking account in the amount of  
22 \$535 at Parx Casino in Bensalem, Pennsylvania.

23 Paragraph 4. The August 24th, 2016  
24 transaction at Parx Casino was not for the benefit

1 of Ms. Fauntleroy.

2 Paragraph 5. Ms. Fauntleroy was unaware  
3 of the August 24th, 2016 transaction at Parx  
4 Casino.

5 You didn't understand those three  
6 paragraphs to be alleging that you stole \$535 from  
7 Ms. Fauntleroy on August 24th, 2016?

8 A Absolutely not. Absolutely not.

9 Paragraph 3, you asked me whether or not I did the  
10 transaction. And I did and I have stipulated to  
11 that.

12 Q Okay.

13 A August 4th -- actually, Paragraph 4. The  
14 transaction at Parx was not for the benefit of Ms.  
15 Fauntleroy. It was not, and I admitted to that.

16 Paragraph 5, Ms. Fauntleroy was unaware  
17 of the August 24th, 2016 transaction at Parx  
18 Casinos, and I denied that. I denied that because  
19 if I were aware -- if she wasn't aware of those  
20 transactions that was there, then I could see more  
21 or less you were alleging that I stole her money.

22 But I didn't. I denied that because that's not  
23 true.

24 Q Okay. I'm going to move on but I just

1 want to make sure I understand.

2 The reason you didn't mention the \$23,000  
3 in cash deposits that you made into Ms.  
4 Fauntleroy's Wells Fargo account in ODC-7 was  
5 because I didn't specifically ask you about it in  
6 ODC-6?

7 A You didn't ask me about it at all. And  
8 when you did ask me about it in your Petition for  
9 Discipline, I specifically answered it.

10 Q ODC composite Exhibit 3 which are Ms.  
11 Fauntleroy's bank statements, you would agree with  
12 me that they don't indicate who made any of those  
13 deposits, correct?

14 A Correct. But I will also add to that,  
15 that I specifically asked Ms. Fauntleroy on her,  
16 on cross-examination if she had made any deposits  
17 into that account, and she said she had not.

18 Q Correct.

19 A And I testified that I did, that I made  
20 those transactions. And I attempted to present  
21 receipts that I had gotten from Wells Fargo when I  
22 made those transactions which you objected to.

23 Q They were hearsay.

24 I'm going to show you what I marked as --

1 what you have marked as RS Exhibit 5.

2 A Yes.

3 Q This is the accounting. Now, did you  
4 provide Ms. Fauntleroy with that document at any  
5 time?

6 A No, I did not. I provided Ms. Fauntleroy  
7 with a document that I sent her along with the  
8 certified check. And again, as I testified on  
9 direct, that I didn't know what was going on at  
10 the time. So I did an accounting based on the  
11 documents that I had at the time. And that's what  
12 I set forth in my accounting to Ms. Fauntleroy  
13 with the certified check of \$67,708.15.

14 Q You proposed that data accounting which  
15 you provide to Ms. Fauntleroy in the May 4th  
16 letter as Exhibit RS-4, correct?

17 A Correct.

18 Q Do you have that in front of you, sir?

19 A I do.

20 Q So why are there two accountings?

21 A Well, when I got Discovery from you, you  
22 provided me with additional bank statements that I  
23 was able to review and to be able to establish  
24 that I had not accounted for some of the expenses

1 in what's been marked as RS-4, which is additional  
2 accounting. I did not have the bank statements  
3 which reflected the negative \$771.39, the negative  
4 balance to begin with.

5 And again, there were additional salaries  
6 that had been paid. And these were salaries that  
7 were paid by Ms. Fauntleroy before I took over the  
8 account. So I didn't have any knowledge of them,  
9 but they were within that same time frame.

10 And as you recall, initially, Ms.  
11 Fauntleroy was responsible on still paying her  
12 bills. I didn't have that information, so I  
13 couldn't provide that. But those are expenses  
14 that were paid out of that account during the  
15 period of time that's in question.

16 Q Understood.

17 RS-4, the accounting you did provide to  
18 Ms. Fauntleroy. Do you mention anywhere in that  
19 document that you deposited \$23,000 into her  
20 account?

21 A No, I do not.

22 Q Do you mention anywhere in that document  
23 that you spent almost \$100,000 at various casinos?

24 A No, I did not.

1 Q Why not?

2 A Because that was an agreement that I had  
3 with Ms. Fauntleroy. It was not money that she  
4 gave me. This was almost like a loan that she  
5 allowed me to use. So therefore, it didn't --  
6 that money was not, I did not need to account for  
7 that.

8 I needed to account for the total amount  
9 of money that I was in control of, the amount of  
10 expenses that I made and what money Ms. Fauntleroy  
11 was entitled to receive back. And that's what's  
12 set forth in this accounting of services.

13 Q So you weren't attempting to conceal  
14 those casino transactions by not including them on  
15 RS-4?

16 A Absolutely not. Those transactions are  
17 on every one of those bank statements. There is  
18 not one transaction, either a card transaction at  
19 the casino or a withdrawal from an ATM that is not  
20 set forth in each one of those monthly checking  
21 account statements that went directly to Ms.  
22 Fauntleroy and to which Ms. Fauntleroy and I  
23 discussed on numerous occasions.

24 Q Do you still have ODC Exhibit 7 in front

1 of you?

2 A That's my response?

3 Q Correct.

4 A Yes.

5 Q So it's your testimony today that the  
6 \$100,000 from Ms. Fauntleroy was a loan; is that  
7 correct?

8 A That's not correct. My testimony today  
9 is that Ms. Fauntleroy allowed me to use her  
10 checking account to do transactions at the casino.

11 Q I thought you said it was a loan.

12 A If I can answer your question.

13 Q Sure.

14 A What I'm saying to you is that Ms.  
15 Fauntleroy gave me authorization to use her  
16 checking account, to use her card at the casinos.  
17 That agreement involved me putting back money into  
18 her account.

19 I never took \$100,000 out of her account  
20 because it's not accumulative. As I would take  
21 money out of her card at the casino, I would also  
22 deposit money into her account. So I was  
23 depositing money and taking money out. She didn't  
24 have \$100,000. She didn't have \$100,000.

1                   So no, I'm not saying that. I never took  
2   \$100,000 from Ms. Fauntleroy. She didn't have  
3   \$100,000. What you are doing is you are taking it  
4   and adding it up all up and not take into  
5   consideration that I was depositing money, 23  
6   deposits into her account during that period of  
7   time. So she didn't have \$100,000. She knows she  
8   didn't have \$100,000. She only had \$137,385.55 of  
9   which \$78,384.37 were used by me to pay her  
10   expenses.

11               Q    Okay. So I'm confused again. Was it a  
12   loan or was it not a loan?

13               A    She allowed me to use her cards at the  
14   casinos in which I was to pay back those monies  
15   that I used. And I did so, I did so by making  
16   cash deposits into her account.

17               Q    That sounds like a loan to me. So is it  
18   a loan?

19               A    You can call it a loan, I guess, if you  
20   want to take it like that. And by the time she  
21   revoked, by the time she revoked my Power of  
22   Attorney, I went in and I took a look at how much  
23   money I had access to that belonged to Ms.  
24   Fauntleroy, which again, was the \$137,385.55.

1 That's the total amount of money that I had access  
2 to through that checking account. And how much  
3 money had been spent on her behalf which was the  
4 \$78, 3784.37.

5 So monies that I had access to that  
6 belongs to Ms. Fauntleroy, the balance of those  
7 monies was \$59,001.18. And I didn't have all of  
8 this information at the time because I was going  
9 off of the information I had. So I returned to  
10 her \$67,708.15 three days later. Even though  
11 there was no demand for it, I returned that money  
12 to her. And again, that was \$8706.97 more than  
13 she was entitled to.

14 Q ODC Exhibit 7. Can you show me where in  
15 that letter -- you don't want to call it a loan.  
16 But you say that the understanding was you would  
17 repay these funds by making cash deposits into her  
18 account?

19 A Yes.

20 Q Can you show me where it is in ODC  
21 Exhibit 7?

22 A It's not in here because I wasn't asked  
23 that.

24 Q You weren't asked? So you receive a

1 letter saying that you had spent approximately  
2 \$80,000 from Ms. Fauntleroy's Wells Fargo account.

3 A Right.

4 Q I'm sorry. I lost my train of thought.

5 A Let me say no, that's not what I  
6 understood.

7 MR. KRAWITZ: There is no question. Hold  
8 on.

9 MR. CONNER: I said yes, and I'm saying  
10 that answer is not yes.

11 MR. KRAWITZ: He didn't finish his  
12 question. He said he lost his train of  
13 thought.

14 Go ahead.

15 BY MR. WHITE:

16 Q You are saying the understanding was that  
17 you had to repay the money. Why would you not put  
18 that in ODC Exhibit 7? You didn't think it was  
19 relevant when ODC-6 alleged that you had spent  
20 almost \$80,000 from that account?

21 A ODC-6 has specific averments in it. It  
22 asks me for each transaction, did I negotiate the  
23 transaction? Was the transaction on behalf of Ms.  
24 Fauntleroy? And, Was she aware of the

1 transaction?

2 I answered each one of those questions  
3 truthfully. There was not a question in there  
4 that alleged that I had stolen money from her.  
5 And there wasn't any question in ODC-6 asking me  
6 to justify or to explain how, what the transaction  
7 was. Do you understand what I'm saying? There  
8 was nothing in ODC-6 asking me that.

9 The first time you asked me about the  
10 repayment of those monies or you make any  
11 statement regarding the repayment of those monies  
12 was in the Petition for Discipline. And when you  
13 asked me in the Petition for Discipline or you  
14 assert in the Petition for Discipline that I had  
15 taken those funds and had not repaid any of those  
16 funds, that's what I answered, that I have, in  
17 fact, repaid them.

18 Again, my answer to you was a certified  
19 check I gave her, through cash deposits that I  
20 gave her, and through cash payments that I made on  
21 her behalf. When I was asked that question in the  
22 Petition for Discipline or that assertion was  
23 made, I answered it.

24 And you, in turn, wrote me a letter

Page 151

1 saying I didn't know that you had returned any of  
2 the money. But in your request for a statement,  
3 you acknowledge that you know that I did because  
4 you acknowledge that I had sent her a letter and  
5 that I enclosed in that letter a certified check.

6 Q I'm going to show you what you have  
7 marked as RS Exhibit 20 and 21, the Petition for  
8 Discipline and your answer. Can you show me in  
9 that document where you say that you deposited  
10 \$23,000 in Ms. Fauntleroy's Wells Fargo account?

11 A Paragraph 13, I denied -- bear with me.  
12 Paragraph 13 in the petition reads, Respondent has  
13 not repaid any of the funds he improperly used as  
14 set forth in Paragraph 6. That's the averment in  
15 Paragraph 13.

16 My response to that is, Denied. It is  
17 denied that Respondent improperly used any of the  
18 funds set forth in Paragraph 6. By way of further  
19 answer, Respondent repaid these funds to Ms.  
20 Fauntleroy in full. Respondent made cash payments  
21 towards Ms. Fauntleroy's expenses, deposited cash  
22 directly into her checking account and returned  
23 \$67,708.15 via certificate check to her on May  
24 1st, 2017.

1 Q Is there any other mention in your answer  
2 to Petition for Discipline that you made \$23,000  
3 in cash deposits into her account?

4 A Any other mention?

5 Q Correct.

6 A No. In response to what? In response to  
7 what question?

8 Q You tell me.

9 A You allege that I didn't repay any of the  
10 funds. I'm saying to you that I did repay the  
11 funds. And I repaid them by making cash payments  
12 towards her expenses, depositing cash directly  
13 into her checking account and returning \$67,708.15  
14 via certified check to her on May 1st, 2017.

15 Q So your testimony today is that you  
16 deposited \$23,000 into her checking account. That  
17 looks like seven words in your answer to Petition  
18 for Discipline. Why wouldn't you elaborate on  
19 that more?

20 A You mean, why didn't I give you the  
21 specific amount?

22 Q Specific amounts, the date it occurred,  
23 why you did so.

24 A I didn't give you the specific amount of

1 how much money was deposited into her account and  
2 I also didn't give you the specific amount of  
3 expenses that were paid. But I explained to you  
4 that she had been repaid through these different  
5 sources.

6 And Mr. White, when you look at the  
7 summary of account, the amended summary of  
8 account, the monies that are relevant are monies  
9 that Ms. Fauntleroy had, specifically the  
10 \$67,708.15. That's the money that I repaid to her  
11 that was left in her account after all of the  
12 expenses were paid. That's the money. Because  
13 deposits that were coming in, the deposits that  
14 were coming in, they were, again, they were not --  
15 the \$100,000 that you are talking about or close  
16 to \$100,000, again, I was making payments towards  
17 that.

18 That wasn't \$100,000 of Ms. Fauntleroy's  
19 money. It wasn't \$100,000. She didn't have  
20 \$100,000 for me to spend at the casino. She  
21 didn't have that.

22 Q We'll get there in a minute.

23 A The only way that money was in her  
24 account was because I was putting it in there.

1 Q Sir, let me ask you some questions here.

2 A Go ahead.

3 Q \$23,000, that's a substantial amount of  
4 money. The Petition for Discipline alleges that  
5 you stole \$80,000. That's more than 25 percent of  
6 the money that I allege that you stole. Why did  
7 you not say you deposited \$23,000 into her  
8 account?

9 A I don't know, Mr. White. I answered the  
10 question. You alleged that I didn't repay any of  
11 the money. Your averment is that Respondent has  
12 not paid any of the funds he improperly used as  
13 set forth in Paragraph 6.

14 And my answer is simply, I repaid it in  
15 full. I repaid it by making cash deposits, paying  
16 her bills and returning a check to her certified  
17 mail.

18 Q Okay. So you just testified that Ms.  
19 Fauntleroy did not have \$100,000; is that correct?

20 A She didn't have \$100,000 for me to spend  
21 at the casino when her expenses were -- her  
22 expenses were --

23 Q Did she have \$100,000 or did she not have  
24 \$100,000?

1 A -- when her expenses were -- she didn't  
2 have \$100,000 for me to spend at the casino  
3 because she had expenses totaling \$78,384.37.

4 Q I didn't ask you about her expenses.

5 A That's why I'm saying that she didn't  
6 have \$100,000 for me to spend at the casinos  
7 because I was spending money on her behalf. And  
8 she only had \$137,385.55. And we were paying  
9 expenses for her throughout that whole period.

10 Q In your cross of Ms. Fauntleroy, you  
11 discussed an investment transfer, I believe you  
12 called it, of \$112,000. Is that correct?

13 A Correct.

14 O Where did that money go?

15 A That money went into her, went into a  
16 savings account. It was \$112,702.60.

17 Q I'm going to show you what's been marked  
18 as ODC Exhibit 3B.

19 MR. KRAWITZ: 3B?

20 MR. WHITE: 3B, correct.

21 BY MR. WHITE:

22 Q This is a statement from Ms. Fauntleroy's  
23 checking account at Wells Fargo for August through  
24 September of 2016. Is that correct?

1 A Yes.

2 Q On the second page of that document, do  
3 you see a deposit on August 23rd in the amount of  
4 \$7829?

5 A Correct.

6 Q Can you please read the description of  
7 that deposit?

8 A Online transfer from Fauntleroy S  
9 Reference Number, looks like IBEN9TJK5L savings,  
10 initial transfer of funds from investment.

11 Q Now, if you could turn to Page 4 of that  
12 document.

13 A Could you give me a date?

14 Q September 12th.

15 A Yes.

16 Q Do you see a deposit amount of \$5000?

17 A Yes.

18 Q Can you read the description for that  
19 deposit, please?

20 A Transfer in branch store from Sarah  
21 Fauntleroy DDA, a couple of Xs, 3890, 1101 Old  
22 York Road, Abington, \$5000 deposit.

23 Q 3890, is that Ms. Fauntleroy's savings  
24 account to which the \$112,000 investment was

1 transferred?

2 A I believe so, yes.

3 Q I will show you what's marked as ODC

4 Exhibit 3C. This is the statement of Ms.

5 Fauntleroy's Wells Fargo account from September

6 22016 to October 2016. Is that correct?

7 A Correct.

8 Q Turn to the second page of that document.

9 A Yes.

10 Q See a \$5000 deposit on December 14th?

11 A Yes.

12 Q Can you please read the description of

13 that?

14 A Online transfer from Fauntleroy S  
15 savings, couple of Xs, 3890, Reference number sign  
16 IBER74NW5B on 9/14/16.

17 Q Again, 3890. That's Ms. Fauntleroy's  
18 savings account in which the \$112,000 investment  
19 was transferred?

20 A Yes. That's the only savings account I'm  
21 aware of.

22 Q Do you see another deposit on that page?

23 A Yes.

24 Q What's the amount of that deposit?

1 A \$20,000.

2 Q What's the description of that deposit?

3 A Online transfer from Fauntleroy S

4 savings, Number of Xs, 3890, Reference # IBEJ2D4B8

5 on 9/21/16.

6 Q Again, you understand that that \$20,000  
7 came from Ms. Fauntleroy's savings account into  
8 which you deposited the \$112,000 investment  
9 transfer?

10 A Correct.

11 Q If you could turn to Page 3 of this  
12 document. Do you see a \$5000 deposit on September  
13 29th?

14 A I do.

15 Q What's the description of that deposit?

16 A Online transfer from Fauntleroy S  
17 savings, a number of Xs, 3890, Reference  
18 #IBE8PZD8F, it looks like G, on 9/29/16.

19 Q I'm going to move on.

20 Do you still have RS-4 and RS-5 in front  
21 of you?

22 A Yes.

23 Q The accountings?

24 A Yes.

1 Q How did you calculate these figures?

2 A What do you mean?

3 Q Were you referring to anything? Do you  
4 have a record of these transactions somewhere?

5 How did you come up with these numbers?

6 A I came up with them from a combination,  
7 mostly from the checking account statements.

8 Q So the cancelled checks?

9 A From the checking account statements  
10 including the cancelled checks for, the cancelled  
11 checks that I have.

12 Q I'm confused about some of the numbers  
13 there. I'd like to go through them with you if  
14 that's all right.

15 A You asked me a whole lot about these  
16 transactions that were deposits from the savings  
17 account. That's where the money was deposited  
18 into the savings account, and money was  
19 transferred from the savings account over into the  
20 checking account.

21 Q Correct. I'll move on.

22 A You understand she wouldn't have had  
23 enough money --

24 MR. KRAWITZ: There is no question.

1           There is no question.

2    BY MR. WHITE:

3           Q    So between RS-4 and RS-5, you believe  
4    RS-5 has the correct figures; is that correct?

5           A    Yes.

6           Q    For Shelio Thomas, you list a salary of  
7    \$19,137.50. Is that correct?

8           A    Yes.

9           Q    Let me show you what you have marked as  
10   Exhibit 6A. Are there any checks on RS-6A for Ms.  
11   Thomas?

12          A    Yes.

13          Q    What's the amount? How many checks?

14          A    It looks like one.

15          Q    What's amount of that check?

16          A    \$1941.50.

17          Q    So on 6A, there is one check for Ms.  
18   Thomas in the amount of \$1941.50, correct?

19          A    Correct.

20          Q    I'll show you what you have marked as RS  
21   Exhibit 7A. Are there any checks for Ms. Thomas  
22   on RS Exhibit 7A?

23          A    Yes.

24          Q    How many?

1 A Two.

2 Q Two?

3 A Yes.

4 Q What about on the other pages?

5 A Three. Well, there was two on that first  
6 page. There is one on the second page, and there  
7 are two on the third page.

8 Q So it sounds like five checks for Ms.

9 Thomas on 7A?

10 A Yes.

11 Q What are dates and amounts of all five of  
12 those checks?

13 A One is dated August 19th, 2016 in the  
14 amount of \$440. One is dated -- let me go back.  
15 One is dated 8/19/2016 for \$440. One is dated  
16 8/26/16 in the amount of \$308. One is dated  
17 August 12th, 2016 in the amount of \$319. One is  
18 dated September 7th, 2016 in the amount of \$231.  
19 And one is dated September 9th, 2016 in the amount  
20 of \$231.

21 Q So I calculate the total of those five  
22 checks to be \$1529. Does that sound accurate to  
23 you?

24 A Yeah. I take your word for it. I didn't